

AMENDED IN ASSEMBLY MARCH 21, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 989

Introduced by Assembly Member Mitchell
(Coauthor: Senator Correa)

February 18, 2011

An act to amend Section 5847 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 989, as amended, Mitchell. Mental health: children's services.

Existing law, ~~the Bronzan-McCorquodale Act~~, contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the Mental Health Services Fund to fund various county mental health programs. The act *provides that it* may be amended by the Legislature ~~only~~ by a $\frac{2}{3}$ vote of ~~both houses~~ *and only so each house as* long as the amendment is consistent with and furthers the intent of the act. ~~The, and that the~~ Legislature may also clarify procedures and terms of the act by majority vote.

Existing law requires each county mental health program to prepare and submit a 3-year plan that is required to be updated at least annually and approved by the department after review and comment by the Mental Health Services Oversight and Accountability Commission. Existing law requires the 3-year plan to include information on

programs, including, but not limited to, programs for services to children, including transition age youth 16 to 25 years of age.

This bill would specifically include in the plan requirement, *for certain programs*, transition age foster youth. *This bill would declare that it clarifies procedures and terms of the act.* Because this bill would require counties to include additional information in the 3-year plan, it would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5847 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5847. Integrated Plans for Prevention, Innovation, and System
- 4 of Care Services.
- 5 (a) It is the intent of the Legislature to streamline the approval
- 6 processes of the State Department of Mental Health and the Mental
- 7 Health Services Oversight and Accountability Commission of
- 8 programs developed pursuant to Sections 5891 and 5892.
- 9 (b) Each county mental health program shall prepare and submit
- 10 a three-year plan which shall be updated at least annually and
- 11 approved by the department after review and comment by the
- 12 Mental Health Services Oversight and Accountability Commission.
- 13 The plan and update shall include all of the following:
- 14 (1) A program for prevention and early intervention in
- 15 accordance with Part 3.6 (commencing with Section 5840).

1 (2) A program for services to children in accordance with Part
2 4 (commencing with Section 5850), to include a program pursuant
3 to Chapter 4 (commencing with Section 18250) of Part 6 of
4 Division 9 or provide substantial evidence that it is not feasible to
5 establish a wraparound program in that county.

6 (3) A program for services to adults and seniors in accordance
7 with Part 3 (commencing with Section 5800).

8 (4) A program for innovations in accordance with Part 3.2
9 (commencing with Section 5830).

10 (5) A program for technological needs and capital facilities
11 needed to provide services pursuant to Part 3 (commencing with
12 Section 5800), Part 3.6 (commencing with Section 5840), and Part
13 4 (commencing with Section 5850). All plans for proposed facilities
14 with restrictive settings shall demonstrate that the needs of the
15 people to be served cannot be met in a less restrictive or more
16 integrated setting.

17 (6) Identification of shortages in personnel to provide services
18 pursuant to the above programs and the additional assistance
19 needed from the education and training programs established
20 pursuant to Part 3.1 (commencing with Section 5820).

21 (7) Establishment and maintenance of a prudent reserve to
22 ensure the county program will continue to be able to serve
23 children, adults, and seniors that it is currently serving pursuant
24 to Part 3 (commencing with Section 5800), the Adult and Older
25 Adult Mental Health System of Care Act, Part 3.6 (commencing
26 with Section 5840), Prevention and Early Intervention Programs,
27 and Part 4 (commencing with Section 5850), the Children's Mental
28 Health Services Act, during years in which revenues for the Mental
29 Health Services Fund are below recent averages adjusted by
30 changes in the state population and the California Consumer Price
31 Index.

32 (c) The State Department of Mental Health shall not issue
33 guidelines for the Integrated Plans for Prevention, Innovation, and
34 System of Care Services before January 1, 2012.

35 (d) The department's review and approval of the programs
36 specified in paragraphs (1) and (4) of subdivision (b) shall be
37 limited to ensuring the consistency of these programs with the
38 other portions of the plan and providing review and comment to
39 the Mental Health Services Oversight and Accountability
40 Commission. As part of its review, the department shall inform

1 the Department of Veterans Affairs of county plans that have
2 outreach programs specifically for veterans or that provide services
3 specifically for veterans.

4 (e) The programs established pursuant to paragraphs (2) and
5 (3) of subdivision (b) shall include services to address the needs
6 of transition age youth ages 16 to 25, including transition age foster
7 youth.

8 (f) Each year the State Department of Mental Health, in
9 consultation with the California Mental Health Directors
10 Association, the Mental Health Services Oversight and
11 Accountability Commission, and the Mental Health Planning
12 Council, shall inform counties of the amounts of funds available
13 for services to children pursuant to Part 4 (commencing with
14 Section 5850), and to adults and seniors pursuant to Part 3
15 (commencing with Section 5800). Each county mental health
16 program shall prepare expenditure plans pursuant to Part 3
17 (commencing with Section 5800), and Part 4 (commencing with
18 Section 5850), and updates to the plans developed pursuant to this
19 section. Each expenditure update shall indicate the number of
20 children, adults, and seniors to be served pursuant to Part 3
21 (commencing with Section 5800), and Part 4 (commencing with
22 Section 5850), and the cost per person. The expenditure update
23 shall include utilization of unspent funds allocated in the previous
24 year and the proposed expenditure for the same purpose.

25 (g) (1) The department shall evaluate each proposed expenditure
26 plan and determine the extent to which each county has the capacity
27 to serve the proposed number of children, adults, and seniors
28 pursuant to Part 3 (commencing with Section 5800), and Part 4
29 (commencing with Section 5850); the extent to which there is an
30 unmet need to serve that number of children, adults, and seniors;
31 and determine the amount of available funds; and provide each
32 county with an allocation from the funds available. The department
33 shall give greater weight for a county or a population which has
34 been significantly underserved for several years. The department
35 shall approve, deny, or request information on a county expenditure
36 plan or update no later than 60 days upon receipt.

37 (2) The department shall only evaluate those programs in a
38 county expenditure plan or update that have not previously been
39 approved or that have previously identified problems which have
40 been conveyed to the county. The department shall distribute the

1 funds for renewal of the previously approved programs contained
2 in the county expenditure plan or update prior to approval of the
3 county expenditure plan or update.

4 (h) A county mental health program shall include an allocation
5 of funds from a reserve established pursuant to paragraph (6) of
6 subdivision (b) for services pursuant to paragraphs (2) and (3) of
7 subdivision (b) in years in which the allocation of funds for services
8 pursuant to subdivision (e) are not adequate to continue to serve
9 the same number of individuals as the county had been serving in
10 the previous fiscal year.

11 ~~SEC. 2. If the Commission on State Mandates determines that~~
12 ~~this act contains costs mandated by the state, reimbursement to~~
13 ~~local agencies and school districts for those costs shall be made~~
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
15 ~~4 of Title 2 of the Government Code.~~

16 *SEC. 2. The Legislature finds and declares that this measure*
17 *clarifies procedures and terms of the Mental Health Services Act*
18 *within the meaning of Section 18 of the act.*

19 *SEC. 3. No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution because*
21 *the local agency receives funds from the Mental Health Services*
22 *Fund for this purpose pursuant to Proposition 63, an initiative*
23 *measure approved by the voters at the November 2, 2004, general*
24 *election.*